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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,448	01/06/2004	Seiji Takubo	2003-1902A	2591
513	7590	03/08/2006	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			CAMPBELL, KELLY E	
		ART UNIT	PAPER NUMBER	
		3618		

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/751,448	TAKUBO ET AL.	
	Examiner	Art Unit	
	Kelly E. Campbell	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 17-35 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 17-35 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed 12/13/05 is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsia (US 6,471,222) in view of Tam et al (US 5,662,380).

Hsia teaches a stroller comprising: a main structure, front legs, and rear legs; and a cushioning seat structure formed of a cushioning material provided with a handle (15) including a pair of back pipes (151); a body structure (20) disposed between the pair of back pipes (151), and having a back part (132), and a pair of side parts (24,25) on the right and left sides of the back part (132);

a seat (131);

and a reclining mechanism (21,23) capable of adjusting the inclination of the body structure relative to the seat;

wherein the pair of side parts are connected to the corresponding back pipes by connecting members of a fabric material (silent), see Figure 3A, having a predetermined length;

wherein the connecting members are connected to back sides near the outer edges of the corresponding side parts (24,25) integrated in a single structure, see Column 3, lines 45-54.

Hsia does not discuss elastic members embedded in the seat structure or connecting flaps independent of the side parts.

Tam et al teaches a stroller comprising: a main structure including a handle, wherein plastic, side parts (200,202) with flexible connecting flaps (220,222) attached to the side parts at edges (208,214), see Figure 3 and Column 5, lines 22-30, and elastic members (216,218) are embedded at least in some parts of the seat structure (100), specifically, the side parts of the cushioning seat structure, see Figure 4a;

wherein the elastic members (216,218) are embedded in bendable parts of the cushioning seat structure, which are bent when the stroller is folded up by operating the folding mechanism.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the foldable stroller taught by Hsia to include flexible connecting flaps and biased elastic members taught by Tam et al in order to bias the seat back in the forward direction for ease of folding of the chair.

It would have been further obvious to one of ordinary skill in the art at the time the invention was made, to provide an elastic member on the seat portion of the body structure of the stroller for further biasing the seat to collapse, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japiske, 86 USPQ 70.

Claims 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods (US 4,132,429) in view of Hsia (US 6,471,222).

Woods teaches a stroller comprising: a main structure including a handle (18), a pair of rear legs (24), and a pair of front legs (22);

a support sheet (14) supported on the main structure and including a supporting seat part and a supporting back part (upper and lower parts of side sheets 55,56), see Figure 1; side parts (55,56) rising from the right and left sides of the seat part,

and a detachable seat structure (48,49), see Figure 3, supported on the support sheet (14), and having a seat part (48), and a back part rising from the back side of the seat part (49).

Woods does not teach string reclining mechanism.

Hsia teaches stroller having a reclinable back formed of fabric, see Figure 2, having an adjustable reclining mechanism (21,23)

wherein strings (21) are extended in and fastened to side parts of the seat structure to hold the side parts in a standing position;

wherein the strings are extended in the side parts so as to slope up rearward;
wherein the strings have each opposite ends fixedly held in the side parts.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reclinable stroller taught by Woods, such that the seat structure has side parts connected to strings as taught by Hsia, for raising and lowering

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the seat back in an adjustable manner as an alternate reclining mechanism to the hooks taught by Woods.

With regards to claim 14, it would have been further obvious to modify the string configuration of the stroller, such that, the strings are extended in the side parts so as to slope down rearward, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Claim 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods (US 4,132,429) in view of Hsia (US 6,471,222) as applied to claim 12 above, and further in view of Mong-Hsing (US 5,087,066).

Woods in view of Hsia teach all aspects of the claimed invention, except the support sheet having a back part and side parts.

Mong-Hsing teaches a support sheet (74) for a seat structure (76), wherein the support sheet has side parts and a back part disposed above the seat structure (76).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reclinable stroller invention taught by Woods in view of Hsia to include a seat support sheet having a back part, such as taught by Mong-Hsing, in order to provide additional support to the seat structure for supporting a child safely.

Response to Arguments

Applicant's arguments filed 12/13/05 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 17-21 have been considered but are moot in view of the new ground(s) of rejection.

With regards to claims 21-25, Figure 4A and 4B clearly shows the elastic members (216,218) embedded in the side parts (200) of the seat structure.

With regards to claim 26, the applicant claims "strings extended and fastened to a pair of ends within the side parts..." Hsia teaches members (26) which are a part of the side parts (24) and string (21) "within" the side parts. The applicant's arguments are more specific than the claim limitations. During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969) The court explained that "reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from 'reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim." The court found

that applicant was advocating the latter, i.e., the impermissible importation of subject matter from the specification into the claim.). See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E. Campbell whose telephone number is (571) 272-6693. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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